

Phyllis Kupferstein, Esq. [SBN 105898]
Kupferstein Manuel LLP
835 Wilshire Boulevard, 5th Floor
Los Angeles, CA 90017
Telephone: (213) 988-7531
pk@kupfersteinmanuel.com

Attorneys for Defendant Harvey Weinstein

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KELLYE CROFT,

Plaintiff,

vs.

JAMES DOLAN; HARVEY
WEINSTEIN; JD & THE STRAIGHT
SHOT, LLC; THE AZOFF COMPANY
HOLDINGS LLC f/k/a AZOFF MUSIC
MANAGEMENT, LLC; THE AZOFF
COMPANY LLC f/k/a AZOFF MSG
ENTERTAINMENT, LLC; DOE
CORPORATION 1-10,
Defendants.

Case No. 2:24-cv-00371-PA (AGR)

**DECLARATION OF IMRAN
H. ANSARI IN SUPPORT OF
DEFENDANT HARVEY
WEINSTEIN'S MOTION TO
STAY**

Date: July 22, 2024
Time: 1:30 p.m.
Location: Courtroom 9A
Judge: Hon. Percy Anderson

IMRAN H. ANSARI, pursuant to 28 U.S.C. § 1746, declares under the penalty of perjury, as follows:

1. I am a Partner at Aidala, Bertuna & Kamins, P.C., counsel for Defendant Harvey Weinstein ("Mr. Weinstein"), and as such, I have personal knowledge of the facts and circumstances of this action.

2. This declaration is submitted in support of Mr. Weinstein's Motion To Stay ("Mr. Weinstein's Motion").

///

1 3. On February 24, 2020, a jury found Mr. Weinstein guilty of criminal
2 sexual assault in the first degree and rape in the third degree in *The People of the*
3 *State of New York v. Harvey Weinstein*, in the Supreme Court of the State of New
4 York, New York County, Indictment Number 2334/2018. He was acquitted of
5 charges relating to another alleged complainant. Mr. Weinstein was sentenced to
6 23 years in prison on March 11, 2020.

7 4. Mr. Weinstein's appeal of his conviction to the New York State
8 Appellate Division was unsuccessful. On August 19, 2022, Chief Judge Janet
9 DiFiore of the New York Court of Appeals granted Mr. Weinstein's request for
10 leave to appeal his rape and sexual assault conviction to New York State's highest
11 court. Mr. Weinstein's appeal of his New York conviction was fully briefed and
12 oral argument took place on February 14, 2024.

13 5. On April 25, 2024, the New York Court of Appeals overturned Mr.
14 Weinstein's 2020 rape and sexual assault conviction. Judge Jenny Rivera cited
15 critical procedural errors, and wrote, "[t]he remedy for these egregious errors is a
16 new trial."

17 6. On May 1, 2024, the Manhattan District Attorney's Office said they
18 will be retrying this case and may pursue further indictments, but no new trial date
19 has been set. Mr. Weinstein remains incarcerated in New York pending his retrial.

20 7. On or about March 15, 2021, a Los Angeles County grand jury
21 returned an indictment against Mr. Weinstein on 11 counts of sexual assault
22 involving five women, that allegedly took place between 2004 and 2013. On July
23 20, 2021, Mr. Weinstein was extradited from New York to California to face
24 criminal prosecution. Mr. Weinstein pleaded not guilty to all charges.

25 8. On October 24, 2022, Mr. Weinstein's trial in Los Angeles County
26 began. On November 15, 2022, Judge Lench dismissed four of the 11 counts
27 against Mr. Weinstein after prosecutors stated they would not proceed with the
28 counts involving one of his accusers. On December 19, 2023, Mr. Weinstein was

1 convicted on three counts of rape and sexual assault against “Jane Doe 1.” The
2 jurors deadlocked on three counts related to two other victims, and they acquitted
3 him of charges related to a fourth woman.

4 9. On December 20, 2022, Judge Lench declared a mistrial on the three
5 counts on which the jury was hung in the Los Angeles action. On February 23,
6 2023, Mr. Weinstein’s motion for a new trial was denied, and he was sentenced to
7 16 years in prison in his Los Angeles criminal trial, to run consecutively to his 23-
8 year prison sentence in his New York criminal trial. On or about February 24,
9 2023, Mr. Weinstein filed notice of his appeal from the Los Angeles conviction.
10 On or about March 14, 2023, Los Angeles prosecutors told Judge Lench that they
11 will not retry Mr. Weinstein on the three counts that left the jurors deadlocked.
12 Judge Lench dismissed those charges.

13 10. Mr. Weinstein’s appeal of his California conviction is in the very early
14 stages. The opening brief was filed on Friday June 7, 2024.

15 11. In light of the above, Mr. Weinstein cannot defend himself against
16 Plaintiff Kellye Croft’s (“Plaintiff”) sexual assault claim without also giving
17 testimony and other information which may be used by New York and California
18 prosecutors against him and which will likely prejudice his defense of the ongoing
19 criminal prosecutions.

20 12. In sex crime prosecutions in New York State Court, the prosecution
21 often seeks to admit propensity or prior bad act evidence, which is often barred in
22 other types of prosecutions. The New York County District Attorney’s Office
23 (“NYDA”) has already provided notice that it will seek retrial and may seek
24 indictment on additional charges of similar sexual conduct. As such, Mr.
25 Weinstein cannot give testimony or evidence concerning the allegations in
26 Plaintiff’s First Amended Complaint regardless of whether Plaintiff is involved in
27 either criminal prosecution, as it is clear the prosecution may seek to introduce
28 Plaintiff’s allegations as evidence against Mr. Weinstein.

13. In addition to the prosecution by the NYDA, investigations in Los Angeles and London are ongoing, thereby creating additional risk to Mr. Weinstein's liberty interests and constitutional privilege by this action against him continuing forward.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20, 2024.

/s/ *Imran H. Ansari*

Imran H. Ansari